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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,487	11/26/2003	Scott A. McCuskey	SAMC 63916	9528
7590 11/30/2004				
Tara L. Pfaffle Pietragallo, Bosick & Gordon One Oxford Centre, 38th Floor 301 Grant Street Pittsburgh, PA 15219				
EXAMINER BAXTER, GWENDOLYN WRENN				
ART UNIT		PAPER NUMBER		
3632				
DATE MAILED: 11/30/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/723,487

Applicant(s)

MCCUSKEY ET AL.

Examiner

Gwendolyn Baxter

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/26/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

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This is the first Office of application serial number 10/723,487, Weapon Caddy, filed November 26, 2003.

*Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-10, 13, 17-26, 35-39 and 41-45 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,637,708 to Peterson. The present invention reads on Peterson as follows: Peterson teaches a caddy comprising a mounting bracket (62, 38), a base member (64), and a cradle member (116-120, 50, 60). The mounting bracket is structured and arranged for mounting on a support structure (14). The base member is slidably mounted on the mounting bracket. The cradle member is mounted on the base member and structured and arranged for supporting the weapon. The base member is slidable between a retracted position adjacent to the mounting bracket and an extended position away from the mounting bracket. The base member is slidable in a substantially horizontal direction when the mounting bracket is mounted on the support structure. The cradle member is slidably mounted on the base member. The cradle member is slidable in a substantially vertical direction when the mounting

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bracket is mounted on the support structure. The cradle member contains a hollow section that slides over a substantially vertical section of the base member and allows the cradle member to telescope on the substantially vertical section of the base member. The caddy comprises a strap (not numbered). A mechanical fastener (40) is used for mounting the mounting bracket onto the support structure, namely a tree stand.

Regarding claims 1 and 4-7, the present invention reads on Peterson as follows:

Peterson teaches a caddy comprising a mounting bracket (38), a base member (34), and a cradle member (116-120, 50, 60). The mounting bracket is structured and arranged for mounting on a support structure (14). The base member is slidably mounted on the mounting bracket from left to right. The cradle member is mounted on the base member and structured and arranged for supporting the weapon. A slot (104) is formed in the base member and a bolt (84) of the mounting bracket extends through the slot and moves along the slot. The base member is pivotable around the bolt. The base member is rotatably mounted on the mounting bracket. The base member is rotatable around a substantially vertical axis when the mounting bracket is mounted on the support structure.

Claims 1 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,244,556 to Carrillo et al. The present invention reads on Carrillo as follows: Carrillo teaches a caddy comprising a mounting bracket (12), a base member (16), and a cradle member (10, 18, 20). The mounting bracket is structured and arranged for mounting on a support structure (14). The base member is slidably mounted on the mounting bracket. The cradle member is mounted on the base member and structured and arranged for supporting the weapon.

Claims 27, 28, and 30-31 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,078,279 to Hancock. The present invention reads on Hancock as follows: Hancock teaches a caddy comprising a mounting bracket (11), a cradle member (18) and an elastic strap (31). The mounting bracket is structured and arranged for mounting on a support structure (14). The cradle member is mounted on the mounting bracket and structured and arranged for supporting the weapon. The elastic strap secures the weapon onto the cradle member. The strap is detachable. The cradle member is generally U-shaped and has a liner (22).

*Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson in view of U.S. Patent No. 3,225,656 to Flaherty. Peterson teaches the limitations of the base claim, excluding the cradle member having an elastic liner.

Flaherty teaches a rifle rest for supporting a weapon. The rest comprises a telescoping cradle member (30), wherein the cradle member includes an elastic liner (41). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the cradle member as taught by Peterson to have incorporated the elastic liner as

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taught by Flaherty for the purpose of absorbing shock which frictionally engages the sides of the weapon which is placed in the cradle.

Claims 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson in view of U.S. Patent No. 5,078,279 to Hancock. Peterson teaches the limitations of the base claim, excluding the strap being elastic and detachable.

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Hancock teaches a gun rest for supporting a weapon. The gun rest comprises a cradle member (25, 26), wherein the cradle member includes an elastic detachable strap (31). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the cradle member as taught by Peterson to have incorporated an additional strap as taught by Hancock for the purpose of securing the weapon in the cradle member and prevent any vibrations or movement of the weapon.

Claims 16, 27, 29, 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson in view of U.S. Patent No. 4,017,997 to Peterson. Peterson teaches the limitations of the base claim, excluding the strap includes holes.

Peterson teaches a gun support. The gun support comprises an elastic strap (E,38) including holes (41) for pegs (28, 30), wherein the cradle member (B), wherein the strap is detachable. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the cradle member as taught by Peterson to have incorporated an additional strap having holes therein as taught by Peterson for the purpose of securing the weapon in the cradle member and prevent any vibrations or movement of the weapon.

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Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson in view of U.S. Patent No. 4,150,733 to Plummer. Peterson teaches the limitations of the base claim, excluding the mounting bracket being welded on the support structure.

Peterson teaches the use of welding or screws for securing components. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the mounting bracket as taught by Peterson to have incorporated welding as taught by Peterson for the purpose of joining members together.

Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hancock in view of U.S. Patent No. 3,225,656 to Flaherty. Hancock teaches the limitations of the base claim, excluding the cradle member having an elastic liner.

Flaherty teaches a rifle rest for supporting a weapon. The rest comprises a telescoping cradle member (30), wherein the cradle member includes an elastic liner (41). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the cradle member as taught by Hancock to have incorporated the elastic liner as taught by Flaherty for the purpose of absorbing shock which frictionally engages the sides of the weapon which is placed in the cradle.

### *Conclusion*

The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Swicegood D382,035; Winters 2,692,069; and Gates 6,588,637 teaches a weapon caddy, respectively.

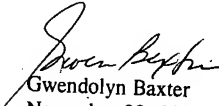
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gwendolyn Baxter whose telephone number is 703-308-0702. The examiner can normally be reached on Monday-Wednesday, 8:00am -5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A Braun can be reached on 703-308-2156. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

  
Gwendolyn Baxter  
November 29, 2004

**GWENDOLYN BAXTER**  
**PRIMARY EXAMINER**

*Art Unit 3632*